

REMARKS

Claims 1-12 have been examined on their merits.

Applicant's undersigned representative noticed that claim 6 was examined as a multiple independent claim. The Preliminary Amendment filed on June 18, 2001 converted claim 6 into a dependent claim that depended solely from claim 1. However, the Rule 111 Amendment filed on May 21, 2004 overlooked the fact that claim 6 had been amended by the Preliminary Amendment. Therefore, in this Amendment, claim 6 has been amended back to being solely dependent from claim 1.

The Patent Office objects to claim 9 as being dependent upon a rejected base claim. Applicant thanks the Patent Office for indicating that claim 9 would be allowed if rewritten in independent form. However, instead of rewriting claim 9 in independent form, Applicant respectfully traverses the prior art rejections for the reasons set forth below.

Applicant has editorially amended claims 1-12 to remove unnecessary language and to conform the claims to U.S. practice. Amendments that were made to specifically address § 112 (2nd para.) and § 103(a) issues are specifically addressed below.

Claims 1-12 are all the claims presently pending in the application.

1. Claims 1-6, 8, 10 and 11 stand rejected under 35 U.S.C. § 112 (2nd para.) as allegedly being indefinite. Applicant respectfully traverses the § 112 (2nd para.) rejection of claims 1-6, 8, 10 and 11 for at least the reasons discussed below.

Claim 1 has been amended to remove the phrase “wherein it further comprises” and to conform the claim to U.S. practice. Claim 1 has also been amended to remove the term “near” to clarify the location of the aperture relative to the outer edge of the receiving surface, and to change the “single aperture” to “output aperture” to provide antecedent basis for claims 3 and 4.

Claim 5 has been amended to recite that the output aperture is disposed in a main dish.

Claim 6 has been amended to recite that the coherent light emerges from the output aperture and that the coherent light overlaps at a surface of the second transceiver. The phrase relating to a small divergence has been deleted.

Claim 8 has been amended to recite that the coherent light beam comes from a source.

Claim 10 has been amended to recite that the output aperture is provided on a main dish.

Claim 11 has been amended to remove the term “near” to clarify the location of the aperture relative to the outer edge of the receiving surface.

Since there are no art-based rejections pending against claims 2-5, 8 and 10, Applicant respectfully requests that the Patent Office indicate that these claims are allowable in the next Communication.

2. Claims 1, 6, 7, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schairer (U.S. Patent No. 6,301,035) in view of Fischer *et al.* (U.S. Patent No. 6,091,529). Applicant traverses the § 103(a) rejection of claims 1, 6, 7, 11 and 12 for at least the reasons discussed below.

The combination of Schairer and Fischer *et al.* fails to teach or suggest at least an output aperture extending outside and along the outer edge of a receiving reflecting surface that reflects received signal-carrying coherent light, as recited in claim 1. The Patent Office argues that the cavity formed by the reflecting paraboloid (13) constitutes the receiving surface of the invention recited in claim 1. The Patent Office further argues that Figure 1 of Schairer illustrates light being output from the transceiver (1) at a point near the outer edge of the receiving surface, *i.e.*, the reflecting paraboloid. Applicant has amended claim 1 to recite that the output aperture extends outside and along the outer edge of the receiving reflecting surface. As is clearly illustrated in Figure 1 of Schairer, light transmission from the transceiver occurs within the periphery (*i.e.*, the outer edge) of the receiving reflecting surface, and no light transmission from the transceiver occurs from outside the periphery of the receiving reflecting surface. The Patent Office's citation of Fischer *et al.* was only for its disclosure of coherent light, and Fischer *et al.* lack any teaching or suggestion of an output aperture extends outside and along an outer edge of a receiving reflecting surface. Thus, Applicant submits that the combination of Schairer and Fischer *et al.* fails to fulfill the "all limitations" prong of a *prima facie* case of obviousness.

Since neither reference teaches or suggests at least an output aperture that extends outside and along an outer edge of a receiving reflecting surface, Applicant submits that one of ordinary

skill in the art would not be motivated to combine the references. Thus, Applicant submits that the combination of Schairer and Fischer *et al.* fails to fulfill the motivation prong of a *prima facie* case of obviousness.

Based on at least the foregoing reasons, Applicant submits that claim 1 is in condition for allowance over the combination of Schairer and Fischer *et al.*, and further submit that claim 6 is allowable as well, at least by virtue of its dependency from claim 1. Applicant respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 1 and 6.

With respect to independent claims 7, 11 and 12, Applicant submits that these claims are allowable as well over the combination of Schairer and Fischer *et al.* for at least reasons analogous to those discussed above for claim 1. Applicant respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 7, 11 and 12.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 09/881,722
ATTORNEY DOCKET NO. Q64988

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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